

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to special registration plates and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 401, “Special Registration Plates,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.34 and 321.166.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.34 as amended by 2020 Iowa Acts, House File 2641, section 155, and section 321.166 as amended by 2020 Iowa Acts, House File 2641, section 156.

#### *Purpose and Summary*

This proposed rule making updates Chapter 401 to conform the rules with 2020 Iowa Acts, House File 2641, section 155, which amends Iowa Code section 321.34, and 2020 Iowa Acts, House File 2641, section 156, which amends Iowa Code section 321.166, to provide for the creation of new “flying our colors” license plates.

These proposed amendments also make a technical change to remove the prohibition against allowing the number zero to be used on personalized license plates. Currently, the number zero may be used on county standard license plates, so this proposed amendment allows customers an additional character choice when requesting personalized license plates.

#### *Fiscal Impact*

This rule making has no fiscal impact beyond the impact estimated by the Legislative Services Agency (LSA) for 2020 Iowa Acts, Senate File 2181, which originally proposed implementation of the new “flying our colors” license plate. The LSA calculated the fiscal impact would increase revenue to the Flood Mitigation Fund by \$61,250 in FY 2021 and \$70,000 in FY 2022.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests in response to this rule making must be received by the Department no later than 4:30 p.m. on November 10, 2020. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Strategic Communications and Policy Bureau  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on November 12, 2020, via conference call from 10 to 11 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on November 10, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **401.2(1)“b”** as follows:

b. Application for blackout plates, collegiate plates, flying our colors plates, personalized plates, and special registration plates that have eligibility requirements must be submitted to the department in a manner prescribed by the department. Unless otherwise specified, completed applications for these plates shall be submitted to the department at the following address: Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Applications may be obtained from the vehicle and motor carrier services bureau or from any county treasurer's office. Applications are also available on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 2. Amend rule 761—401.4(321) as follows:

**761—401.4(321) Gift certificates.** Gift certificates for blackout plates, collegiate plates, flying our colors plates, personalized plates, and special registration plates that have eligibility requirements may be purchased using the prescribed plate application. Gift certificates for special registration plates that counties have in their inventories may be purchased from county treasurers' offices.

ITEM 3. Amend paragraph **401.6(2)“a”** as follows:

a. The characters “A” to “Z” and “1” “0” to “9” may be used. ~~Zeros shall not be used.~~

ITEM 4. Adopt the following new rule 761—401.14(321):

**761—401.14(321) Flying our colors plates.**

**401.14(1) Application.** Application for flying our colors plates shall be submitted to the department in a manner prescribed by the department. The applicant may request letter-number designated flying our colors plates or personalized flying our colors plates. Flying our colors plates are available for autocycles, motor trucks, motor homes, multipurpose vehicles, motorcycles, trailers and travel trailers.

**401.14(2) Characters.** Personalized flying our colors plates shall be issued in accordance with subrule 401.6(2).

ITEM 5. Amend **761—Chapter 401**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 35A.11; 321.34, as amended by 2020 Iowa Acts, House File 2641, section 155; 321.105; 321.166 as amended by 2020 Iowa Acts, House File 2641, section 156; and 321L.1 and chapter 17A.